

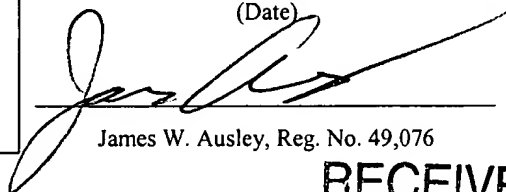
TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant : AYRE et al.
 Appl. No. : 09/980,682
 Filed : August 15, 2002
 For : ROTARY BLOOD PUMP AND
 CONTROL SYSTEM THEREFOR
 Examiner : LAYNO, Carl Hernandez
 Art Unit : 3762

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Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on
 behalf of the Assignee, Ventrassist Pty Limited and University of Technology, Sydney ("Assignees"),
 by virtue of a Power of Attorney executed on July 24, 2002 and July 25, 2002, a copy of which is
 attached.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignees represent that they are the owner of a one
 hundred percent (100%) interest in the above-identified application and co-owned, co-pending,
 Application No. 09/299,038 (issued June 26, 2001 as U.S. Patent 6,250,880). The chain of title of
 the present application from the inventors to the Assignees is set forth in the Power of Attorney
 referred to above. The assignment of Application No. 09/299,038 (issued June 26, 2001 as U.S.
 Patent 6,250,880) is recorded at Reel No. 010087, Frame No. 0157 by the Assignment Branch of the
 Patent and Trademark Office. The Assignees represent that, to the best of Assignees' knowledge and
 belief, title is in the Assignees seeking to take action.

Disclaimer by Assignees

Assignees hereby disclaim, except as provided below, the terminal part of any patent granted
 on the above-referenced application that would extend beyond the expiration date of the full statutory
 term of any patent issuing from U.S. Patent Application No. 09/299,038 (issued June 26, 2001 as
 U.S. Patent 6,250,880), and hereby agree that any patent so granted on the above-identified

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application shall be enforceable only for and during such period that the instant application and any patent issuing from U.S. Patent Application No. 09/299,038 (issued June 26, 2001 as U.S. Patent 6,250,880) are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignees do not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 09/299,038 (issued June 26, 2001 as U.S. Patent 6,250,880), and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

This Terminal Disclaimer is accompanied by the \$110 fee set forth in 37 C.F.R. § 1.20(d). Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

8/31/04

By: _____

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